

REMARKS

Reconsideration and further examination are respectfully requested. Claim 2 is cancelled by way of this amendment, claims 1 and 3-24 are pending.

Drawings

The drawings were objected to for lack of clarity. Applicants have included with this response a replacement set of figures which Applicants believe comply with 37 C.F.R. §1.21(d).

The Examiner requested that applicant clarify the Figure 4, which included an arrow showing a flow that was not terminated. Applicant has added the language 'Finish' to the diagram, as well as provided clarifying language in the specification. Accordingly it submitted that the drawings are now acceptable.

Specification

The disclosure was objected to for various informalities. Applicant has amended the specification as described in the above paragraph, and included both a marked up copy of the substitute specification as well as a clean copy of the substitute specification.

No new matter has been added by way of this substitute specification.

The Examiner is thanked for the thorough review of the application and figures.

Amendment of claims

The Examiner has requested that claims 1, 13 and 20 be amended to recite 'best effort queue' and 'priority queue' stating that it is consistent with what is disclosed in the specification. However, Applicants note that the specification clearly states in the first line of page 21 that

'additional queues in a prioritization hierarchy may be used without departing from the spirit and scope of the invention.' Accordingly, Applicants submit that the language of the claims is within the scope of the disclosure, and have therefore not made the amendment requested by the Examiner.

Rejections under 35 U.S.C. §102

Claims 1-10, 12-15, 17 and 19-24 were rejected under 35 U.S.C. §102(e) as being anticipated by Hoffman et al. (U.S. 6,094,435).

Hoffman:

Hoffman describes, in the Abstract:

"...A multi-layer network element for forwarding received packets from an input port to one or more output ports with quality of service. When output queues exceed or meet a threshold value below the queue's capacity packets are randomly discarded. When the queue becomes full, the network element determines which flow caused the queue to overflow. The priority of that flow is lowered..."

Applicants have amended the claims to more particular highlight several elements which distinguish the claims from Hoffman. For example, Hoffman neither describes nor suggests "...determining whether a type of packet traffic received in the packet forwarding device is a unicast type or a multicast type; and when the type of packet traffic is unicast type, selectively modifying a priority of the traffic in response to a destination parameter of the packet traffic; and when the type of packet traffic is multicast type, selectively modifying a priority of the traffic in response to a source parameter of the packet traffic..." No such structure is shown or suggested in Hoffman. Similar amendments are provided in independent claims 13 and 20, and it is

therefore submitted that the independent claims are patentable. Dependent claims 3-12, 14-19 and 21-24 serve to limit their independent parents, but are allowable for at least the same reasons as their parent claims.

Rejections under 35 U.S.C. §103

Claims 16 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hoffman in view of Brinnand (U.S. 6430616). Claim 11 was rejected under the combination of Hoffman, Brinnand and Aho (U.S. 6,185,215).

Brinnand:

Brinnand describes, in the Abstract:

“...A network management information logging system for use in connection with logging management information for a network includes a repository, at least one work queue, a plurality of logging components and a log server main component. The repository configured to store management information for the network. The “at least one” work queue receives logging requests to be processed. Each of the plurality of logging components retrieves logging requests from the work queue, processes the retrieved logging requests in connection with logging information in the repository, and to generate logging responses responsive thereto. The log server main component receives logging requests from the network and loads them into the work queue for retrieval and processing by the logging components. In addition, the log server main component receives the logging responses from the logging components and transfers them to the network...”

The Examiner states that:

‘Brinnand et. al. disclose the limitation of the method of claimed herein the network configuration changes including network failures It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hoffman et al to include the method of claimed herein, the network configuration changes including network failures such as taught by Brinnand et. al. in order to facilitate the efficient logging of management information including information regarding logging events which occur in the network (as suggested by Brinnard et. al., see column 2, lines 23-25).

Even though the Examiner has provided a motivation, Applicants respectfully disagree that the motivation to combine the references *in the particular manner claimed*, as required, can be found.

In addition, even if a motivation to modify the references can be found, it is respectfully submitted that the combination of references fails to overcome the limitations described above with regard to Hoffman. With regard to claim 11, Applicants submit that Aho also fails to teach or suggest the limitations of the claimed invention. For at least the reason that the combination of references fails to describe or suggest the claimed invention, it is requested that the rejection of the claims be withdrawn.

Conclusion

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

Nov. 7, 2006 _____
Date

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Docket No. 120-081
Dd: 9/6/2006